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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 BRENDA SUE LYNCH,

11 Defendant.

NO: 2:14-CR-0168-TOR-2

ORDER DENYING
RECONSIDERATION OF
DETENTION ORDER

12 BEFORE THE COURT is Defendant's Motion for Reconsideration of
13 Order of Detention (ECF No. 1365). This matter was heard without oral argument.
14 The Court—having reviewed the record and the parties' completed briefing—is
15 fully informed.

16 The Grand Jury issued an 83-count Indictment on December 2, 2014. ECF
17 No. 1. Defendant was charged in four counts of that Indictment; three counts of
18 bank fraud and one count of conspiracy. On December 3, 2014, Defendant was
19 arraigned on the Indictment and detained until a bail hearing was held the next day.
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1 On December 4, 2014, the Government withdrew its motion seeking detention and
2 Defendant was released on strict conditions. ECF No. 272.

3 According to the pretrial services report, Defendant has a long history of
4 drug addiction with no substance abuse treatment. ECF No. 407 at 3. Defendant
5 was not employed. Defendant's arrest record is lengthy and it appears that four
6 arrest warrants have been issued for her failures to appear for court proceedings.
7 *Id.* at 4, 5, 6, 7.

8 On April 23, 2015, Defendant violated her conditions of release by traveling
9 to Priest River, Idaho without notification or written permission of the U.S.
10 Probation office. ECF No. 787-1. She was pulled over for a traffic infraction and
11 received a warning. *Id.* The Magistrate Judge did not revoke Defendant's release
12 but the probation officer reviewed Defendant's travel restrictions with her and
13 accepted Defendant's agreement to obtain the necessary permission to travel in the
14 future. *Id.* On June 3, 2015, the Magistrate Judge amended Defendant's
15 conditions of release to allow travel primarily for work, between the Eastern
16 District of Washington and Idaho, but only upon prior notification to her
17 supervising U.S. Probation Officer of all travel-related information, including
18 where she may be reached in Idaho and when she will return to the Eastern District
19 of Washington. See ECF No. 827.

1 On June 4, 2015, Defendant appeared before the Court and entered a plea of
2 guilty to Count 1 of the Indictment charging her with Conspiracy to Commit Bank
3 Fraud in violation of 18 U.S.C. §§ 1344, 1349. Defendant was released pending
4 sentencing on the same conditions previously imposed. ECF No. 834 at 2.
5 A sentencing hearing was set for October 7, 2015. *Id.*

6 On June 18, 2015, Defendant was once again stopped for a traffic infraction
7 in Idaho and received another warning. ECF No. 1047-1. Defendant did not have
8 permission to be in Idaho. Once again, the probation officer reviewed Defendant's
9 travel restrictions with her. *Id.* Once again, Defendant agreed to comply with
10 prior notification to her probation officer for travel to Idaho in the future. *Id.*

11 Upon Defendant's motion, the Court rescheduled sentencing for December
12 10, 2015. ECF No. 1138.

13 On November 30, 2015, Defendant sent an email to the assistant United
14 States attorney asking for permission to travel to Bend, Oregon for 3 to 4 days to
15 visit a family friend. ECF No. 1337-1. This information was provided to the
16 Probation Office by the United States Attorney's Office. On November 30,
17 Defendant texted messages to the Probation Office and also agreed to report to the
18 Probation Office on December 1, 2015 to discuss her travel plans with her assigned
19 pretrial services officer. *Id.* Defendant did not report to the Probation Office on
20 December 1, but rather traveled to Bend, Oregon without written permission and

1 did not contact the Probation Office until December 2. On December 2, Defendant
2 admitted to two probation officers that she was indeed in Oregon and would soon
3 return. *Id.* An arrest warrant was issued. Defendant did not return to the district
4 until December 3, 2015, whereupon she was arrested.

5 The Court held a detention hearing on December 3, 2015 and detained
6 Defendant pending sentencing. The Court found “conclusively that Defendant
7 willfully violated her conditions of release by traveling to the State of Oregon
8 without permission of the pretrial services officer.” ECF No. 1345.

9 Defendant now seeks reconsideration of the Court’s Order. Defendant
10 contends that she returned voluntarily after a few days and reminds the Court that
11 she has two young children to care for and that she may lose her employment by
12 being detained. ECF No. 1365-1. She explains that her husband works, her
13 elderly parents are caring for her children and this presents an extreme hardship.
14 *Id.* Lastly, Defendant alleges she is suffering ill health and needs to schedule a
15 follow-up visit. ECF No. 1383.

16 “A person who has been released under section 3142 . . . and who has
17 violated a condition of [her] release, is subject to a revocation of release, an order
18 of detention, and a prosecution for contempt of court.” 18 U.S.C. § 3148(a).

19 Once again, the Court finds conclusively that Defendant willfully violated
20 her conditions of release by traveling to the State of Oregon without permission of

1 her pretrial services officer. After considering the factors set forth in 18 U.S.C.
2 § 3142(g) the Court rejects Defendant's proffered reasons for her release. That it
3 would now be inconvenient for others should Defendant be detained does not show
4 that Defendant will abide by the Court's orders. Defendant's non-descript need for
5 a follow-up visit for her health also does not warrant release.¹ In light of the
6 circumstances surrounding her serious violation of the Court's order, the Court
7 finds Defendant is not amendable to supervision and further finds that there is no
8 condition or combination of conditions of release that will assure that Defendant
9 will not flee or pose a danger to the safety of any other person or the community
10 and she will be detained pending further proceedings.

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18 ¹ Compelling health needs may warrant an escorted doctor's appointment, 18
19 U.S.C. § 3142(i), or justify a doctor to visit Defendant in jail, but certainly do not
20 require wholesale release.

1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

2 1. Defendant's Motion for Reconsideration of Order of Detention (ECF No.
3 1365) is **DENIED**. Pending further proceedings, the Defendant is remanded to the
4 custody of the United States Marshal.

5 The District Court Clerk is hereby directed to enter this Order and provide
6 copies to counsel, the United States Probation Office and the United States
7 Marshal.

8 **DATED** December 22, 2015.



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Thomas O. Rice
THOMAS O. RICE
UNITED STATES DISTRICT JUDGE